

Amendment No. 1 to SB2415

Bell
Signature of Sponsor

AMEND Senate Bill No. 2415

House Bill No. 2165*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 40-25-129, is amended by adding the following as a new subsection (c):

(1) Notwithstanding subsections (a) and (b), the department of correction, through the judicial cost accountant, may advance or reimburse witness expenses necessary to the prosecution of a criminal case as requested by the district attorney general and approved by the court. In such cases, a determination of indigency is not immediately required; however, the county shall seek to recover the costs of the advance or reimbursement of witness expenses from a convicted defendant as provided in subdivision (a)(2) or another appropriate provision.

(2) If advance witness fees are requested, then the itemized request must be submitted to the judicial cost accountant at least ten (10) business days prior to trial and otherwise conform to the requirements as set forth by the judicial cost accountant.

(3) If reimbursement of witness fees is requested, then the request must meet the following requirements:

(A) The witness was material and necessary to the case and the witness lives more than five (5) miles away from the place the witness was subpoenaed to attend or otherwise meets the requirements in subdivision (a)(2) and §§ 24-4-102 and 40-17-112;

(B) An itemized list of expenses must be provided consistent with state travel regulations; and

(C) The request for fees must be certified by the district attorney general and approved by the court.

(4) When payment occurs in accordance with subdivision (c)(2) or (c)(3), the department of correction shall maintain the payment as a receivable against the final cost bill attributed to the case in which witness fees were advanced or reimbursed. Dollars advanced or reimbursed under this section must be deducted from the final cost bill submitted in the case.

(5) This section does not absolve a convicted defendant of liability of cost.

(6) This section does not absolve the county of the responsibility to seek execution upon judgment against the defendant in accordance with subdivision (a)(2).

(7) This section does not prohibit the department of correction from collecting from an inmate trust fund in accordance with § 40-25-143.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to all cases that have not reached final disposition upon that date.